



Alan C. Lloyd, Ph.D.  
Agency Secretary

**California Regional Water Quality Control Board**  
**North Coast Region**  
**Beverly Wasson, Chairperson**

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**Arnold**  
**Schwarzenegger**  
*Governor*

August 3, 2005

Mr. Jeff Shaddock  
MA Properties, LLC  
One Market Pl., Steuart Twr, 23<sup>rd</sup> Fl.  
San Francisco, CA 94105

Dear Mr. Shaddock

**Subject:** Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for M A Properties, LLC Medlock Ames Vintners Project, Sonoma County

**File:** M A Properties, LLC Medlock Ames Vintners Project, Sonoma County  
WDID No. 1B05054WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341) in response to Mr. Jeff Shaddock's April 29, 2005 request for a Clean Water Act, Section 401, Water Quality Certification. On April 29, 2005, the Regional Water Board received a complete application and processing fee in the amount of \$1,080.50 from Mr. Jeff Shaddock, on behalf of M A Properties, LLC, requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Medlock Ames Vintners Project located at 13414 Chalk Hill Road, Healdsburg, Sonoma County, California. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The proposed project will cause temporary disturbances to the streambank associated with an unnamed tributary of Franz Creek within the Geyserville Hydrologic Sub Area No. 114.25, Russian River Hydrologic Unit No. 114.00.

**Project Description:** The proposed project will consist of the construction of approximately 40 feet of retaining wall on an unnamed tributary in Healdsburg, Sonoma County, California. The retaining wall will consist of up to 5 steel piles buried approximately 4 feet into the stream bank above the ordinary high water level and connected with wood lagging placed to a height of three feet above ground level. The steel piles will be embedded in concrete and rock rip rap will be placed along the bank at the toe of the wall. The purpose of the proposed project is to protect an eroding section of stream bank adjacent to a winery building.

***California Environmental Protection Agency***

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A minor amount of vegetation will be removed during project construction and a stump and rootball that will be removed during construction will be replaced over the rip rap when complete. If dewatering is required a cofferdam of plastic or impermeable material will be installed and secured with stones or other weight. Stream flow will be diverted through the cofferdam by means of a flexible plastic diversion pipe of sufficient diameter to contain anticipated flow. The diversion pipe will be routed downstream a sufficient distance to prevent backflow into the work site. The outlet of the pipe will be positioned to minimize impact on the stream banks, and care shall be taken to closely approximate the natural stream flow at this location.

Receiving Water: Streambank associated with an unnamed tributary of Franz Creek within the Geyserville Hydrologic Sub Area No. 114.25, Russian River Hydrologic Unit No. 114.00.

Federal Permit: U.S. Army Corps of Engineers Nationwide Permit 13 (File Number 29689N).

State and Local Approvals: A Lake and Streambed Alteration Agreement from the California Department of Fish and Game was issued on March 4, 2005 (Notification No. 1600-2005-0011-3).

Filled or Excavated Area: Total Area Impacted: 0.002 acres (100 sq feet) of streambank  
Area Temporarily Impacted: 0.00 acres  
Area Permanently Impacted: 0.002 acres

Compensatory Mitigation: Compensatory mitigation for this project will consist of the planting of native riparian trees including ten Madrone and ten Willow trees along the streambank.

Non-compensatory Mitigation: Non-compensatory mitigation measures include the use of erosion control Best Management Practices (BMPs).

CEQA Compliance: The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a categorical exemption under Section 15301 (i), Existing Facilities.

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any nondenial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
- 3) Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

- 4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.
- 5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 6) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 7) Yearly monitoring reports for the required compensatory mitigation shall be provided to the Regional Water Board by July 15 during each calendar year for a total of three years. Reports shall include photo documentation of the mitigation area. After three years have passed, the mitigation will be evaluated for successful attainment of the final success criteria of 75% success of all planted trees, and a decision will be made whether additional mitigation measures are necessary. Reports shall be submitted to the attention of staff member Andrew Jensen.
- 8) Instream work shall not commence until June 15<sup>th</sup> and all work within the waterway shall be complete prior to October 15<sup>th</sup>.
- 9) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-

interest intends to implement the Project as described in this Order.

- 10) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.
- 11) If flow in the creek is present at project commencement, and dewatering is found to be needed, the applicant will comply with the dewatering procedures outlined in this permit.

**Water Quality Certification:**

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Medlock Ames Vintners Project (WDID No. 1B005054WNSO) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)] , and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

**Expiration:**

The authorization of this certification for any dredge and fill activities expires on October 16, 2010. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Andrew Jensen of our staff at (707) 576-2683 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman  
Executive Officer

KAW:clh/080305\_KAW\_ChalkHill401Cert

Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification.

cc: Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105